

APPENDIX A: DEFINITIONS

Section

A.1 Purpose..... A-2

A.2 Interpretation..... A-2

A.3 Definitions..... A-3

APPENDIX A: DEFINITIONS

Section A.1 Purpose

For the purpose of interpreting this Ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their everyday meaning as determined by their dictionary definition.

Section A.2 Interpretation

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular.
- C. Any word denoting gender includes the female and the male.
- D. The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- E. The word "lot" includes the word "plot" or "parcel" or "tract".
- F. The word "shall" is always mandatory and not merely directory.
- G. The word "structure" shall include the word "building."
- H. The term "street" shall include the word "road".
- I. The term "Zoning Map," shall mean the Official Zoning Map of China Grove, North Carolina.
- J. The term "Town Council" shall mean the "Town Council of the Town of China Grove, North Carolina."
- K. The term "Planning Board" shall mean the "Planning Board of the Town of China Grove, North Carolina."
- L. The term "Zoning Administrator" shall mean the "Zoning Administrator of the Town of China Grove, North Carolina."
- M. The terms "Planning Department" and "Planning Staff" shall mean the "Planning Department of the Town of China Grove, North Carolina."
- N. The terms "Ordinance", "Code", and "Unified Development Ordinance" shall be synonymous and refer to the "Town of China Grove Unified Development Ordinance."

Section A.3 Definitions

Abandonment

A use shall be deemed to be abandoned when:

- The use is discontinued (other than in association with the settlement of an estate or for any use which is seasonal in nature); or
- The premises are devoted to another use; or
- When the characteristic equipment and furnishings of a non-conforming nonresidential use have been removed from the premises and have not been replaced by the same or similar equipment within 30 days; or
- Failure to take all positive action to resume the non-conforming use with reasonable dispatch, including the failure to advertise the property for sale or for lease.

Accessory Building (Accessory Structure)

A structure that is subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located. Accessory structures include but are not limited to detached garages, storage buildings, pools and pool houses, piers and other water related structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Accessory Use (Ancillary Use)

A use customarily incidental and subordinate to the principal use or structure and located on the same lot with such principal use or structure.

Addition

An extension or increase in the footprint or floor area of building or structure.

Adjacent

Having common property boundaries or lot lines which are not separated by a street or alley or body of water.

Adult Establishment

Any place defined as an "Adult Establishment" or "Sexually Oriented Establishment" as defined by NCGS 14-202.10 as such statute may be amended from time to time, including Adult Cabarets, except that the definition of "Massage Business" shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Adult Establishments specifically include any Massage Business where "massages" are rendered by any person exhibiting "Specified Anatomical Areas" and/or where "massages" are performed on any client's "Specified Anatomical Areas". "Specified Anatomical Areas" are those defined by NCGS 14-202.10 as such statute may be amended from time to time. Adult establishment may consist of, include, or have the characteristics of any or all of the following:

- Adult or Sexually Oriented Bookstore Sales and Distribution
- Adult or Sexually Oriented Paraphernalia Sales and Distribution
- Adult or Sexually Oriented Cabaret
- Adult or Sexually Oriented Mini Motion Picture Theater
- Adult or Sexually Oriented Motion Picture Theater

APPENDIX A: DEFINITIONS

Agricultural Use

The commercial production, keeping or maintenance, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program. Uses which shall not be deemed as "agricultural uses" include (i) zoos, (ii) kennels, and (iii) riding stables and academics.

Alley

A public or private way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration

A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location, or use.

Amendment, Text

A change to any text of the China Grove Unified Development Ordinance.

Amendment, Zoning Map

A change of the zoning designation of a property or properties on the China Grove Zoning Map.

Amusement Arcade

A commercial facility providing recreational activities that typically include coin-operated amusement machines such as pinball machines, electronic video games and skeetball machines. A facility shall be deemed an amusement arcade if it has eight (8) or more of such machines.

Animal Services

A public or private facility for medical or surgical treatment, grooming, breeding, selling, or boarding of animals. Unless outdoor kennels are specifically allowed, all facilities associated with animal services shall be located indoors.

Apartment

See *Multi-Family*.

Appeal

A request by an applicant for the Board of Adjustment to review a decision or interpretation by the Zoning Administrator.

Area of Special Flood Hazard

See **Special Flood Hazard Area (SFHA)**

Automotive/Boat/Heavy Equipment/Manufactured Home Sales and Service

Any building, premises, and land, in which or upon the primary use of land is a business which involves the maintenance, servicing or sale of new or used automobiles, boats, heavy equipment and/or manufactured homes generally but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle leasing, rental, parking service, preparation or repair work conducted. This definition includes but is not limited to auto dealerships, auto body shops, auto service stations, boat repair or sales, car washes, convenience stores, gas stations, heavy equipment leasing, sales, or service,

manufactured home sales or service, and oil/lube servicing. This does not include the sale of parts or related products (i.e. auto parts store).

Awning

A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not to include a canopy.

Banner

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

Bar

A commercial establishment in which the primary activity is the consumption of alcoholic beverages and the primary source of income is from the sale of alcoholic beverages.

Base Flood

The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast Inn

A use that takes place within a building that prior to such establishment, was designed and used as a single-family residence, that consists of renting one or more rooms on a daily basis to tourists, vacationers and similar transients, where the provision of meals, if provision of meals is made, is limited to the breakfast meal, available only to guests, and where the bed and breakfast operation is conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of one (1) full-time employee.

Best Management Practices (BMP)

A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Block

A unit of land bounded by streets or by a combination of streets and public land, waterways, or any other barrier to the continuity of development.

Boarding House

A structure that was originally constructed as a dwelling that has been converted for the housing of residents in not more than six (6) guestrooms.

APPENDIX A: DEFINITIONS

Bona Fide Farm

The production of , activities relating to, or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural or forest products having a domestic or foreign market meeting one of the following criteria:

- A tract of land containing at least three acres; or
- Registered as Farm Deferment on the county tax records; or
- Listed as a working farm with the local Farm Service Agency (formerly known as ASCS); or
- Provide a copy of the contract between the property owner and the contracting company.

If the applicant cannot meet one of the above, the applicant (or owner) has the option of applying for Bona-Fide Farm status by showing that the property has farm income by submitting the previous year's Farm Schedule Form of the owner's federal income tax return.

Buffer

A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Buffer, Vegetative (Watershed Buffer or Riparian Buffer)

An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Buildable Area

The area of a lot remaining after the minimum yard and open space requirements of this Ordinance has been met.

Building

A temporary or permanent structure having a roof supported by exterior walls or constructed columns and which can be used for residence, business, industry, or other public or private purposes or accessory thereto. The term "building" shall be construed as if followed by the words "or parts thereof".

Building, Accessory (Accessory Structure)

A structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located.

Building Envelope

The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, and minimum yard setbacks or build-to lines, buffers, easements, or other applicable regulations.

Building Footprint

The land area on which a building is located or proposed for location.

Building Height

The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

Building, Principal (Principal Structure)

A building in which is conducted the principal use on the lot on which said building is situated. In any residential zoning district any structure containing a dwelling unit shall be deemed to be the principal building on the lot where it is located.

Building Setback Line

A line establishing the minimum allowable distance between the nearest portion of any building (or any attached appurtenance thereof), including eaves and overhangs, and the nearest edge of the street right-of-way when measured perpendicular thereto.

Build Out

The completed construction of all phases of a development as allowed by all Ordinances which regulate an area. The scale of build out can be from a single lot to the entire Town's jurisdiction.

Built-upon Area

Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g., tennis courts), etc. (**Note:** Wooden slatted decks and the water area of a swimming pool are considered pervious).

Caliper

The size of tree's trunk diameter as measured six (6) inches above the ground for trees four (4) inches or less, and as measured 12 inches above the ground for trees larger than four (4) inches.

Campground, Family

See *Family Campground*.

Campsite

Any plot of ground within a campground intended for the exclusive occupancy by a cabin, recreation vehicle, or tent.

Canopy

A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

Cemetery

Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setback for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to include bona fide pet cemeteries.

Certificate of Occupancy (CO)

A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

APPENDIX A: DEFINITIONS

Change of Use

Any use of a building or land that substantially differs from the previous use.

Chemical Storage Facility

A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Church (House of Worship)

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead. Day care centers (which have enrollment capacities in excess of 25 enrollees) and/or schools operated by the church on the facilities of the church shall be considered separate principal uses.

Civic Uses

Uses intended to serve as public gathering places. Such uses include governmental offices, churches or other places of worship, schools, post offices, and non-profit or charitable clubs and organizations.

Cluster Development, Rural

The grouping of lots in order to conserve land, open space, and rural resources and provide for innovation in the design of a project within the Rural Preservation district. Overall density does not change in a cluster development.

Cluster Development, Watershed

The grouping of lots in order to conserve land and open space and provide for innovation in the design of a project within the Watershed Protection Overlay. Overall density does not change in a cluster development.

Common Open Space

Land and/or water areas within the site designated for development, not individually owned or dedicated for public use, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

Common Open Space, Improved

Common open space which has been improved with recreational areas and amenities such as, but not limited to, ballfields, tennis courts, swimming pools, nature trails, clubhouses, etc. Not all of these uses may be appropriate in developments which lie in a Water Supply Watershed where there are restrictions on the amount of impervious surface area.

Conditional Use

A use that is permitted in a zoning district subject to the issuance of a Conditional Use Permit by the Town Council.

Conditional Use District

A district created through the approval of a zoning map amendment and related Conditional Use Permit with a site specific plan in which the uses are limited to those in the base zoning district and are subject to conditions imposed by the Town Council.

Conditional Use Permit

A special authorization for a conditional use which may be subject to any specific restrictions or conditions on its size, location, intent, character of use, etc. as determined by the Town Council.

Construction Trailer

A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction site on a temporary basis for office purposes.

Contiguous

Next to, abutting, or touching and having a boundary, or portion thereof, which is contiguous including properties traversed or separated by a road, stream, right-of-way or similar man-made or natural configuration. The term "contiguous" shall also mean "abutting" or "adjacent".

Correctional Facility

A facility operated by Rowan County or the State of North Carolina (or a private contractor thereof) used for the temporary incarceration of persons after arrest or pending hearing or trial or for the incarceration and or housing of persons serving sentences or incarceration or housing of persons serving criminal sentences.

Country Club

A private recreational facility open to members and their guests. Uses at a country club frequently include golf courses, swimming pools (outdoors), and club-houses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a free-standing entity or as part of a residential community or planned residential development.

Critical Area

The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Cul-De-Sac

The turn around at the end of a dead-end street.

Daycare Center

A place where daytime care is provided to four (4) or more children, handicapped persons, or senior citizens unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult within an occupied residence. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the day care center.

Density

A ratio expressed as the number of dwelling units per acre (DUA). The ratio is derived by dividing the total number of dwelling units by the total land area (in acres) used or proposed to be used for purposes such as buildings, roads, public facilities, and open spaces.

Development

Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

APPENDIX A: DEFINITIONS

Development, Existing

Those projects that are built or those projects that at a minimum have established a vested right under North Carolina Zoning Law as of the effective date of this Ordinance based on at least one of the following criteria:

- substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- having an outstanding valid building permit as authorized by the General Statutes (NCGS 160A-385.1), or
- having an approved site specific or phased development plan as authorized by the General Statutes (NCGS 160A-385.1).

Disposal

As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Distribution

A use in which products or goods are brought in or manufactured on-site and are trucked off-site.

Drive-through use

A facility designed to enable a person to transact business while remaining in a motor vehicle. This includes drive-in facilities in which vehicles pull into a designated parking spot to transact business.

Duplex

See *Two-family Attached Residential*.

Dwelling, Attached

A single-family dwelling attached to two or more one-family dwellings by common vertical walls. This may include duplexes, triplexes, quadraplexes, and townhomes. More than two units attached constitute as a multi-family residential use for the purposes of this Ordinance.

Dwelling, Detached

A dwelling unit that is developed with open yards on all sides. This shall include modular homes but shall not include manufactured homes.

Dwelling Unit

A building, or portion thereof, providing complete and permanent living facilities for one (1) family. The term "dwelling" shall not be deemed to include a motel, hotel, bed and breakfast inn, manufactured home or other structure designed for transient residence. See also **Residential**.

Electronic gaming operations

Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including, but not limited to, computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed is determined by electronic games played or by predetermined odds. The term includes, but is not limited to, internet sweepstakes, internet sweepstakes café, video sweepstakes or cybercafés who have a finite pool of winners. This does not include any lottery endorsed by the State of North Carolina.

Elevated Building

A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment

The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Engineering Drawings

The drawings necessary to prepare a site for construction, guide the construction of improvements, and complete the site following construction of improvements. These plans may include an overall site plan, grading plan, soil and erosion control plan, landscaping plan, lighting plan, site details, street cross sections, storm water detention details, etc.

Entertainment Use

Any establishment which provides active recreational opportunities such as miniature golf, batting cages, arcades, carnival games, go-cart or other motorized vehicle tracks, waterslides, or passive recreation such as movie theaters.

Essential Services

Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 100 feet in height. Essential Services are divided into the following three classes:

- Class 1
Transmission lines (whether, subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields, cable television and telephone transmission lines; or similar utility lines; pumping stations; lift stations; telephone switching facilities (up to 100 square feet gross floor area).
- Class 2
Elevated water storage tanks; booster stations, telephone switching facilities (over 100 square feet gross floor area), substations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, or other similar utilities.
- Class 3
Generation, production, or treatment facilities such as power plants, water treatment plant, sewage treatment plants (including package treatment plants), radio and television transmission towers, or similar utilities; microwave towers; wireless communication towers; sanitary landfills; septic tank waste disposal facilities.

Existing Lot (Lot of Record)

For the purpose of Watershed Protection, a lot which is part of a plat that has been recorded in the Office of the Register of Deeds prior to October 1, 1993 of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to October 1, 1993.

Existing Manufactured Home Park or Manufactured Home Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

APPENDIX A: DEFINITIONS

Façade

The vertical surface of a building which is set along a frontage line. The elevation of a facade is the vertical surface area. Facades are subject to visual definition by building height, setback lines, openings, recess lines, and transition lines.

Family

An individual, or two or more persons related by blood, marriage or adoption living together as a single housekeeping unit, exclusive of household servants; or a group of not more than six persons who need not be related by blood, marriage, or adoption living together as a single housekeeping unit.

Family Campgrounds

Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are used for recreation or vacation purposes.

Family Care Home

A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons, as defined by NCGS 168-21(2). This includes adult care homes, group homes, residential care homes, child or adolescent care homes, and health care homes.

Farmer's Market

An outdoor market open to vendors at which locally grown fruits and vegetables are sold on a retail basis.

Final Plat

A map depicting a subdivision (in its entirety or a phase of) intended for recordation at the Register of Deeds.

Flag

A piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol or decorative feature.

Flag Lot

A lot that has less than the minimum lot width at the minimum building setback.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- the overflow of inland or tidal waters; and/or
- the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance

The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM)

An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Flood Insurance Study (FIS)

An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal

Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Flood Zone

A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain

Any land area susceptible to being inundated by water from any source.

Floodplain Administrator

The individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit

Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations

The Flood Damage Prevention Overlay Section, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor Area Ratio

The gross floor area of all buildings and structures on a lot divided by the lot area. When computing this figure, the gross floor area of all enclosed parking deck buildings shall be excluded.

Footcandle

A unit measuring the illuminance from a light source. Originally the footcandle was the illuminance at one foot from a standard candle. It was then defined as the illuminance produced by one lumen of “luminous flux” evenly distributed over a square foot. Though not an SI unit, footcandles are widely used to set lighting levels.

APPENDIX A: DEFINITIONS

Freeboard

The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the Regulatory Flood Protection Elevation.

Frontage

The lot boundary along a public street.

Functionally Dependent Facility

A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Gated Community

A residential development that is entirely surrounded by a wall or fence with restricted access at entrance gates.

Golf Course

A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses and shelters.

Grade of Street

The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the side of the street at which grade is being measured.

Gross Floor Area

The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of the party walls, including the floor area of accessory structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access such as stairs, elevator shafts and maintenance crawlspaces or unused attics. This term also excludes pedestrian walkways and common areas within enclosed shopping areas.

Ground Covers

Low growing plants such as grasses, ivies, creeping bushes and similar decorative plantings. Where required by this Ordinance, ground covers shall have the capability of soil stabilization and erosion control.

Hazardous Material

Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Hazardous Waste Management Facility

As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Highest Adjacent Grade (HAG)

The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic Structure

Any structure that is:

- listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Home Occupation

Any use conducted for gain entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and subordinate to the residential use and which does not change the character thereof and in connection with which there is no display. When observed from beyond the lot on which it is located, the home occupation does not give visual, audible, sensory, or physical evidence that the property is used for any nonresidential purpose. A home daycare may be operated as a home occupation if there are three (3) or less unrelated children, handicapped persons, or senior citizens cared for in the home. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the daycare.

Hospital

An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services, and staff offices.

Hotel/Motel

A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms and recreation facilities.

Impervious Surface

Any material which reduces and prevents absorption of storm water into previously undeveloped land. This includes but is not limited to, buildings, roads, pavement, gravel surfaces, etc. Items not considered to be "impervious" include the water area of a swimming pool and wooden slatted decks.

Impervious Surface Ratio

The gross area of all impervious surfaces on a lot divided by the lot area.

Industrial Development

Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling,

APPENDIX A: DEFINITIONS

finishing, cleaning or developing any product or commodity.

Infill

The development of new buildings on vacant sites in a primarily built-up area.

Institutional Use

A use of a semi-public nature that typically serve community needs including but not limited to daycares, colleges, private schools, hospitals, research facilities, museums, assisted living facilities, residential care facilities, and other long-term medical care facilities.

Loading Space, Off-Street

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Lot

A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot Area

The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty feet from the center of the traveled portion of the street.

Lot, Corner

A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than 45 degrees and less than one hundred and 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.

Lot Depth

The mean horizontal distance between the front and rear lot lines.

Lot, Interior

A lot other than a corner lot.

Lot Line

A line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space.

Lot Line, Front

The lot line separating a lot from a street right-of-way.

Lot Line, Interior

A lot line which does not have street frontage.

Lot Line, Rear

The lot line opposite and most distant from the front lot line.

Lot Line, Side

Any lot line abutting another lot and which is not a front or rear lot line.

Lot of Record

A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Rowan County or a lot described by metes and bounds, the description of which has been so recorded.

Lot, Through

A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot Width

The distance from side lot line to side lot line measured at the required minimum front yard setback parallel to the front property line.

Lowest Adjacent Grade (LAG)

The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home

Factory-built, single-family structures that meets the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as HUD (U.S. Department of Housing and Urban Development) code but is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and is composed of one or more components, each of which was assembled in a manufacturing plant and designed to be transported to the home site on its own chassis. This term does not include a recreational vehicle but includes mobile homes.

Manufactured Home Park

Any site or parcel of land under single ownership where land is rented, and utilities are provided for the installation or placement of two or more manufactured homes.

Manufactured Home Space

Any premises within a manufactured home park used or intended to be used or occupied by one manufactured home, together with automobile parking space, utility structures, and other required facilities incidental thereto.

Manufacturing, Heavy

The assembly, fabrication, production or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, health or safety hazards, or uses that otherwise do not constitute "light manufacturing," or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing exceeds 25 percent of the floor area of all buildings on the lot. "Heavy manufacturing" shall include, but not be limited to, the following: enameling, lacquering, or the plating or galvanizing of

APPENDIX A: DEFINITIONS

metals; foundries or mills producing iron and steel products; industrial chemical manufacture; meat packing plants; mixing plants for concrete or paving materials, and manufacture of concrete products; oxygen manufacture and/or storage; pottery, porcelain, and vitreous china manufacture; poultry dressing for wholesale; pressure treating of wood; stonecutting; tire recapping and retreading; tobacco products manufacture; tobacco stemming and redrying plants. This shall not include resource extraction and recycling and salvage operations.

Manufacturing, Light

The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, production or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing does not exceed 25 percent of the floor area of all buildings on the lot. This shall not include uses that constitute “heavy manufacturing”, resource extraction, or recycling and salvage operations.

Market Value

The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Mean Sea Level

For purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

Mini-Warehouse

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis that does not include outdoor storage.

Mixed Use Building

A minimum of a two story building in which the ground floor contains a commercial enterprise and at least one of the floors above contains residential units.

Mobile Home

See *Manufactured Home*.

Modular Home

A dwelling unit which is constructed in compliance with the North Carolina Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Modular Home, Off-frame

A dwelling unit which is constructed in compliance with the North Carolina Building Code and is brought to the site and set in place on a permanent foundation by a crane. A steel frame is not used for the support of the structure.

Modular Home, On-frame

A dwelling unit which is constructed in compliance with North Carolina Building Code on a steel frame and is brought to the site on steel frames and the axles are removed. The steel frame is used to support the

structure on top of a permanent foundation.

New Construction

Structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

Nightclub

An establishment that is either public or private in which people gather for dancing and/or listening to taped or live music and there is the sale and consumption of alcoholic beverages on premises.

Noncommercial Copy

A sign message through pictures, illustrations, symbols and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.

Nonconforming Lot

Any lot of record which does not meet the minimum yard or area requirements established in these regulations at the time of this Ordinance's adoption or any amendment thereto.

Nonconforming Sign

A sign that, on the effective date of this Ordinance or the date of any subsequent amendment thereto, does not conform to one or more of the regulations set forth in this Ordinance.

Nonconforming Structure

Any structure lawfully existing on the effective date of these regulations, or any amendment to it rendering such structure nonconforming, which does not comply with all of the standards and regulations of these regulations or any amendment thereto.

Nonconforming Use

Any use lawfully being made of any land, building or structure on the effective date of these regulations or on the effective date of any amendment thereto rendering such use non-conforming, which does not comply with all the regulations of these regulations or any amendment thereto, whichever might be applicable.

Non-Encroachment Area

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

Nursery

A commercial enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold to general public. Nurseries may include the use of greenhouses for growing purposes.

Office Use

Professional occupations within a building or buildings which do not generally involve the on-site sale of goods to customers.

Open Space

Any area which does not consist of streets, right of ways, parking, or easements, and serves as a passive or active recreational area, as conservation land for important vistas and topographic features, or as pervious area for watershed requirements. This area provides, or has the potential to provide,

APPENDIX A: DEFINITIONS

environmental, social and/or economic benefits to the community whether direct or indirect. Open space is categorized by type and includes playgrounds, plazas, squares, parks, greens, greenways, greenbelts, and nature preserves.

Open Storage

An unroofed storage area, whether fenced or not.

Outdoor Kennel

A commercial enterprise that involves the containment of animals outside a permanently constructed building for an extended period of time. This does not include fenced areas for brief animal exercise.

Outdoor Storage

The storage of goods, products, or vehicles as an ancillary use by their owner or on a commercial basis outside of a permanently constructed building.

Outparcel

A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a structure with an intended use.

Package Treatment Plant

A small self-contained sewage treatment facility built to serve developed areas which lie beyond the service area of sanitary sewers.

Parapet

That portion of a building wall that extends above the roof line.

Parking Bay

A parking module consisting of one or more sets of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave.

Parking Space, Off-Street

An area located outside of any street right-of-way which is designed to accommodate the parking of vehicles which meets all area requirements contained in Chapter 7 of this Ordinance.

Permit, Building

Written permission by the County Building Department issued for the construction, repair, alteration or addition to a structure.

Photometric

Data regarding the luminous intensity of light sources on a particular site.

Pitch, Roof

The slope of a roof expressed as rise over run. (i.e. for a roof that rises four inches vertically for every 12 inches it runs horizontally the pitch is 4:12)

Plan, Conditional Use District

A site specific plan for Conditional Use District zoning map amendments (rezonings).

Plan, Improvement

A plan that shows how a developer will install, bond, or guarantee improvements for a development (i.e.

roads, turn lanes, water, sewer, etc.).

Plan, Major Site

A site specific plan for a building or addition of greater than 2,500 square feet or more than one (1) acre of disturbed land area. This does not include single-family detached residential uses.

Plan, Minor Site

A site specific plan for a building or addition of less than 2,500 square feet or less than one (1) acre of disturbed land area. This does not include single-family detached residential uses.

Plan, Site Specific

A scaled drawing depicting the location and size of proposed buildings, parking areas, landscaping, and other information necessary to meet the requirements of this Ordinance.

Plan, Sketch

A working drawing depicting proposed development that follows the development review process.

Plat, Final

A map of all or a portion of a subdivision that is the legal instrument for recordation. Final plats shall be consistent with the approved Preliminary Plat and be reviewed and recorded following Engineering Document and/or Improvement Plan approval.

Plat, Preliminary

A map indicating the layout of a subdivision submitted after Sketch Plan approval and prior to or simultaneously with Engineering Documents.

Planned Unit Development

An area planned as a single entity containing one or more residential, commercial, and mixed-use clusters located on tracts or lots.

Post-FIRM

Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

Pre-FIRM

Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

Premises

A parcel of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map or subdivision map. When a lot is used together with one or more contiguous lots for a single use or planned development, all of the lots so used, including any lots used for off-street parking, shall be considered a single premises for purposes of these regulations.

Principal Use

The primary or predominant use of any lot.

Principally Above Ground

At least 51% of the actual cash value of the structure is above ground.

APPENDIX A: DEFINITIONS

Produce Stand

The sale of any form of agricultural or horticultural products at a retail stand located on the same site where the products are grown. Off-site produce stands shall be considered temporary uses and shall meet the requirements of such.

Protected Area

The area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundaries of the protected areas are defined as extending five (5) miles upstream and draining to water supply reservoirs (measured from the normal pool elevation) or to the ridge line of the watershed (whichever comes first); or ten (10) miles upstream and draining to the intake located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer boundary of five (5) or ten (10) miles. In some cases the protected area will encompass the entire watershed.

Public Safety and/or Nuisance

Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Quasi-judicial

The process by which the Board of Adjustment reviews requests for Variances and Appeals and the Town Council review requests for Conditional Use Districts, Conditional Use Permits, and Vested Rights. Sworn testimony is given during the public hearing and an evidentiary record is kept and voted upon based on specified findings of fact.

Recreation Facility, Private

A privately owned area of land that is developed for active and/or passive recreational pursuits with various manmade features and is designed to serve the immediate neighborhood in which it is located, or can be regional in scope, serving several neighborhoods. This includes private golf courses, country clubs, and community swimming pools.

Recreation Facility, Public

A publicly owned area of land that is developed for active and/or passive recreational pursuits with various manmade features and is designed to serve the immediate neighborhood in which it is located, or can be regional in scope, serving several neighborhoods.

Recreation Vehicle

A vehicular-type unit without a permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes. A recreation vehicle shall not be considered as being a single-family dwelling.

Reference Level

The bottom of the lowest horizontal structure member of the lowest floor for structures within all Special Flood Hazard Areas. For the purposes of this definition, the reference level for slab construction is measured from the top of the lowest floor.

Regulatory Flood Protection Elevation

The Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

Remedy a Violation

To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Residential Care Facility

An institutional facility in which supervision, care, therapeutic, or medical services are provided for more than six persons in a residential capacity.

Residential Development

Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Residential, Multi-family

The development of three (3) or more attached dwelling units. This includes condominiums, townhomes, apartments, quadraplexes, triplexes, and more than one duplex (two-family dwelling).

Residential, Single-Family

Any development where every dwelling unit is on a separate lot and no lot contains more than one dwelling unit.

Residential, Single-Family Attached

A development where every dwelling unit is on a separate lot of record, no lot contains more than one dwelling unit, and two or more dwelling units share one or more walls. (i.e. townhomes)

Residential, Single-Family Detached

A development where every dwelling unit is on a separate lot of record, no lot contains more than one dwelling unit, no dwelling unit shares a wall with another dwelling unit, and each dwelling unit is surrounded on all sides by yard.

Residential, Two-Family Attached

A development where two dwelling units share a wall and are located on the same lot of record. (i.e. duplexes)

Restaurant

A commercial establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Retail Uses

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

APPENDIX A: DEFINITIONS

Rezoning

See *Amendment, Zoning Map*.

Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road, Private

Any right-of-way used for purposes of motor vehicle travel which has not been accepted for maintenance or ownership purposes by a public entity.

Road, Public

A public right-of-way set aside for public travel and either which has been accepted for maintenance by NCDOT or the Town, has been established as a public road prior to the date of adoption of this Ordinance, or which has been dedicated to the NCDOT or the Town for public travel by the recording of a plat of a subdivision with the County Register of Deeds Office.

Road, Frontage

A road which is in close proximity to and parallels a limited access road and is designed to provide access to roads which abut said limited access road.

Roof Line

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

Salvage Yard

Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Screening

A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

Service Uses

Uses that include the provision of work that does not typically result in ownership of physical goods and that create benefits by facilitating a change in customers, a change in their physical possessions, or a change in their intangible assets. (i.e. beauty shops, dry cleaning, appliance repair, check cashing, etc.) This does not include automotive/boat/heavy equipment/manufactured home services.

Setback

A distance measured inward from a property line which shall remain unoccupied by structures and parking areas except as permitted by this Ordinance.

Setback, Front

The required distance from the fronting or primary street right-of-way to a structure or parking area. Driveways may be located in this area unless otherwise specified by this Ordinance.

Setback, Rear

The required distance from the rear property line to a structure or parking area. Driveways may be located in this area unless otherwise specified by this Ordinance.

Setback, Side

The required distance from the side property line to a structure or parking area. Driveways may be located in this area unless otherwise specified by this Ordinance.

Setback, Side Corner

The required distance from the non-fronting or non-primary street right of way to a structure or parking area. Driveways may be located in this area unless otherwise specified by this Ordinance.

Setback, Sign

The required distance from the property line or right-of-way to the nearest point of the sign or its supporting member.

Sewer, Public

Any package treatment plant or other sewage treatment facility serving two or more sources not connected to individual or public systems and having a design capacity or greater than 3,000 gallons daily and/or a discharge to surface water, as permitted by the State of North Carolina. In addition the definition shall include all connections to such a system.

Shopping Center

A group of three (3) or more retail establishments constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

Shrub

An ornamental plant that is at least two (2) feet tall above the highest root at the time of planting.

Sight Distance Triangle

The triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being 15 and 75 feet from the point of intersection as shown on the following figures for a four-way intersection and a tee intersection.

Sign

Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

Sign, Advertising

A sign, other than a directional sign which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Ordinance may display either a commercial or noncommercial copy.

Sign Area

The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing area, only one side of a double-faced sign shall be considered.

APPENDIX A: DEFINITIONS

Sign, Billboard

A large off-premises advertising sign.

Sign, Campaign or Election

A sign that advertises a candidate or issue to be voted upon on a definite election day.

Sign, Canopy and Awning

A sign attached to or painted or printed onto a canopy or awning. For the purposes of the Ordinance, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

Sign, Construction

A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

Sign, Directional

A sign fronting on a road containing only the name of the principal use, directional arrow and mileage to the principal use. Such principal use shall not be visible to the motorist at the location at which the sign is placed.

Sign, Directory

A sign on which the names and locations of occupants or the use of a building or property is identified.

Sign, Flashing

A sign that uses an intermittent or flashing light source or windblown and/or mechanical moved reflective material to attract attention.

Sign, Free-Standing

Any sign that is not affixed to a building and is securely and permanently mounted in the ground.

Sign, Illuminated

A sign lit from either an internal or external light source.

Sign, Incidental

A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

Sign, Instructional

An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

Sign, Monument

A free-standing permanent sign in which the bottom of the sign is no than three (3) feet from the ground.

Sign, Neighborhood Identification

A sign which displays only the name of a recognizable community or subdivision.

Sign, Off-Premises

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. This includes billboards.

Sign, On-Premises

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

Sign, Placard

A small sign attached to a wall face near the building entrance which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of the occupant or building.

Sign, Pole

A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of such sign is more than three (3) feet from the ground.

Sign, Portable

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; or umbrellas used for advertising.

Sign, Projecting

Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted and has two sign faces perpendicular or close to perpendicular to the wall face.

Sign, Public Interest

A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

Sign, Real Estate

A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Sign, Roof

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Sign, Vehicular

Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property, and said vehicles are not used in the normal day to day operations of said business. For the purposes of this Ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.

Sign, Wall

Any sign directly attached to an exterior wall of a building or dependent upon a building for its support and is parallel to the wall face. Signs directly painted on walls shall be considered wall signs.

APPENDIX A: DEFINITIONS

Solid Waste Disposal Facility

Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

Solid Waste Disposal Site

As defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Flood Hazard Area (SFHA)

The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

Start of Construction

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Street

A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means or access to abutting properties.

Street Right-of-Way

An area of land occupied or intended to be occupied by a public street, for such purpose, areas claimed by a municipality or the State of North Carolina for such purposes, or actually used for such purposes.

Structure

A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having a more or less permanent location on the ground. This includes a gas, liquid, or liquefied gas storage tank that is principally above ground.

Structure, Accessory

A structure separate and subordinate to the principal structure on the same lot as the principal structure used for purposes customarily incidental to the principal structure. An accessory structure may also be referred to as an "accessory building".

Structure, Principal

A structure containing the principal use which takes place on the lot. A principal structure may also be referred to as a "principal building".

Subdivision

For the purposes of this Ordinance in accordance with North Carolina General Statute 160A-376, “Subdivision” shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the Dedication of a new Street or a change in existing Streets; but the following shall not be included within this definition nor be subject to the regulations of this Ordinance; provided, however, that any document or plat to be recorded pursuant to any such exclusion shall bear the notation “no approval required” and the signature of the Subdivision Administrator for his designated agent before being presented for certification by the County Review Officer:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance.
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of the streets or for public transportation system corridors.
4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots or tracts, where no street right-of-way dedication is involved or proposed, and where the resultant lots are equal to or exceed the standards of this Ordinance.

Subdivision Administrator

See *Zoning Administrator*.

Subdivision, Major

A major subdivision is defined as a subdivision where any one or more of the following conditions exist:

1. Dedication of public right-of-way or other public tracts; or,
2. The entire tract to be subdivided is greater than ten (10) acres; or,
3. The resultant subdivision will produce more than five (5) lots.

Subdivision, Minor

A minor subdivision is defined as a subdivision where all of the following conditions exist:

1. No public right-of-way dedication; and,
2. The entire tract to be subdivided is ten (10) acres or less in size; and,
3. The resultant subdivision will produce five (5) or fewer lots.

Substantial Damage

Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of ***Substantial improvement***.

Technical Review Committee (TRC)

A group of appointed Town staff members, Planning Board members, Town Council members, and/or citizens that review Sketch Plans, Preliminary Plats, and Site Plans for proposed developments and make recommendations on design and approval criteria during the development review process.

Tree, Large Maturing

A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet and is of a species which, at maturity, can be expected to reach a height of more than 35 feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper of at least two and a half (2-1/2) inches at the time of planting measured six (6) inches up from the highest root of the tree. Also known as a canopy tree.

APPENDIX A: DEFINITIONS

Tree, Small Maturing

A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet and is of a species which at maturity, can be expected to reach a height less than 35 feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper at the time of planting of at least two and one-half (2-1/2) inches measured six (6) inches up from the highest root of the tree. Also known as an ornamental or understory tree.

Variance

Permission granted on the basis of proof of physical hardship by the Board of Adjustment following quasi-judicial proceedings to depart from or relax the literal requirements of this Ordinance relating to dimensional requirements such as setbacks, side yards, street frontage, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property.

Variance, Floodplain

A grant of relief from the requirements of Section 3.16 of this Ordinance.

Variance, Major Watershed

A variance that results in any one or more of the following:

1. The complete waiver of a management requirement;
2. Any request to increase the amount of built-upon area or density above that which is allowed in that particular WS district;
3. The relaxation, by a factor of more than 10 percent of any other management requirement contained in this Ordinance that takes the form of a numerical standard.

Variance, Minor Watershed

A variance that does not qualify as a major watershed variance.

Vested Right

The right to undertake and complete a development or use of property under the terms and conditions of an approved Site Specific Plan currently in effect or as otherwise allowed by law.

Violation, Floodplain

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

Wall Sign

Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

Warehouse Use

A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility or both, with access to contents only through management personnel. This does not include mini-warehousing or mini-storage.

Water, Public

Any water system defined as such by the North Carolina Division of Health Services which complies with the regulations of the North Carolina Division of Health Services.

Water Surface Elevation (WSE)

The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Water-Borne Structure

Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Watercourse

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Watershed

The entire land area contributing surface drainage to a specific point where there is water supply intake.

Wholesale

A place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers. The majority of all sales of such businesses shall be for resale purposes. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed "wholesale sales operations".

Yard

An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward.

Yard, Front

An area measured between the edge of the public street right-of-way line, and the front of a building, projected to the side lot lines. On corner lots, the front yard shall be measured perpendicular from the street lot line having the shortest linear footage. If both street lot lines have equal linear footage, the property owner shall determine the location of the front yard where no principal structure is located. If a principal structure is located on such a lot, the front yard shall be based on the architectural orientation of the house. In instances where the street right-of-way line goes to the centerline of the street, the front setback shall be measured at a point 30 feet from the centerline.

Yard, Rear

An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, Side

A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building.

Yard Sale

An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants. Yard sales shall also be in compliance with Section 5.20 of this

APPENDIX A: DEFINITIONS

Ordinance.

Zoning Administrator

The appointed Town staff member that administers this Ordinance.

Zoning Permit

Written permission issued by the Town Zoning Administrator or his designee for the construction, or enlargement of a structure, including signs, or the grading or excavation of a site in preparation of construction or for the installation of underground utilities.